

GVR

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

2008 JUN -2

UNITED STATES OF AMERICA,

Plaintiff,

v.

Ricardo GONZALEZ-Navarez,

Defendant

Magistrate Docket No.

'08 MJ 1727


COMPLAINT FOR VIOLATION OF:

Title 8, U.S.C., Section 1326
Deported Alien Found in the
United States

The undersigned complainant, being duly sworn, states:

On or about **May 30, 2008** within the Southern District of California, defendant, **Ricardo GONZALEZ-Navarez**, an alien, who previously had been excluded, deported and removed from the United States to **Mexico**, was found in the United States, without the Attorney General or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8 United States Code, Section 1326.

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.



SIGNATURE OF COMPLAINANT
James Trombley
Senior Patrol Agent

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 2nd DAY OF JUNE 2008.



Leo S. Papas
UNITED STATES MAGISTRATE JUDGE

CONTINUATION OF COMPLAINT:**Ricardo GONZALEZ-Navarez****PROBABLE CAUSE STATEMENT**


I declare under the penalty of perjury that the following statement is true and correct:

On May 30, 2008, Border Patrol Agent C. Mehmel was assigned to the Interstate 8 (I-8) checkpoint near Pine Valley, California. The I-8 checkpoint is located approximately fourteen miles north and nine miles east of the Tecate, California Port of Entry. The checkpoint was fully operational, all warning lights and signs were in place.

At approximately 7:00 a.m., a tan Toyota pickup truck approached the primary inspection area. The driver, later identified as the defendant **Ricardo GONZALEZ-Navarez**, was looking down, not making eye contact and moving side to side in his seat as though he was nervous. Agent Mehmel questioned the defendant concerning his citizenship. The defendant stated he was a United States Citizen. The passenger was then questioned and admitted to being having entered the United States illegally. Both the passenger and the defendant were placed under arrest and taken to the I-8 Processing facility and further record checks were conducted on the defendant, who still claimed that he was a United States Citizen. Through records checks it was confirmed that the defendant was a citizen and national of Mexico.

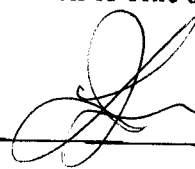
Routine record checks of the defendant revealed a criminal and immigration history. The defendant's record was determined by a comparison of his criminal record and the defendant's current fingerprint card. Official immigration records of the Department of Homeland Security revealed the defendant was previously deported to **Mexico on September 22, 2006 through San Ysidro, California**. These same records show that the defendant has not applied for permission from the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security, to return to the United States after being removed.

Executed on May 31, 2008 at 9:00 a.m.



Carlos R. Chavez
Senior Patrol Agent

On the basis of the facts presented in the probable cause statement consisting of 1 page(s), I find probable cause to believe that the defendant named in this probable cause statement committed the offense on **May 30, 2008**, in violation of Title 8, United States Code, Section 1326.



Leo S. Papas
United States Magistrate Judge

5/31/08 - 1130 AM

Date/Time